

# **CITY UTILITIES COMMITTEE**

## **MINUTES**

**DECEMBER 9, 2008**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, December 9, 2008 at 9:41 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Ceasar C. Mitchell, Vice-Chair**  
**The Honorable Ivory L. Young, Jr.**  
**The Honorable Clair Muller**  
**The Honorable Howard Shook**

The following member was absent:

**The Honorable Natalyn M. Archibong**

Others present at the meeting were: Deputy City Attorney Jerry Deloach, M. Theresa Stewart, Marc Goncher and Stephanie Grant, Law Department; Deputy Commissioners Sheila Pierce, Sally Mills and George Barnes, Department of Watershed Management; Commissioner Joe Basista, James Swope and Nursef Kedir, Department of Public Works; Cathy Martin, Office of Procurement; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:26 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. ORDINANCES FOR SECOND READING**

08-O-2281 ( 1)     An **Amended** Ordinance by City Utilities Committee to amend Article VII of Chapter 74 entitled "Riparian Buffer Requirements"; to provide additional buffer requirements in the Long Island Creek Basin for water supply protection; and for other purposes.  
**(Councilmember Muller made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 08-O-2282 ( 2)     A **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Water and Wastewater Budget, on behalf of the Department of Watershed Management, in the amount of \$774,000.00 by transferring funds from various accounts for Litigation Expenses associated with the Department of Watershed Management matters; and for other purposes.  
**(Councilmember Smith made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 08-O-2284 ( 3)     An Ordinance by City Utilities Committee to authorize the Mayor or her designee to enter into an Intergovernmental Agreement with the United States of America, by and through the Administrator of the General Services Administration to allow the installation of a secure tunnel to serve as a Utility, Service and Pedestrian Corridor that will run underneath the public right-of-way of Fairlie Street between Walton Street and Poplar Street in Downtown Atlanta and will connect the Elbert P. Tuttle U. S. Court of Appeals Building and the Elbert P. Tuttle U.S. Court of Appeals Annex Building so long as the 11<sup>th</sup> Circuit Court of Appeals occupies and uses the structures; to waive certain provisions of Section 138-25 of the City of Atlanta Code of Ordinances; and for other purposes.  
**(Councilmember Smith made a motion to approve)**

**FAVORABLE**

- 08-O-2429 ( 4)     An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to change the name of Equifax Way, NW from the back access road to 18<sup>th</sup> Street, NW to SCAD Way, NW; and for other purposes. **(Councilmember Smith made a motion to file.)**

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**ORDINANCES FOR SECOND READING (CONT'D)**

08-O-2432 ( 5)     An Ordinance by Councilmember Kwanza Hall **as amended by City Utilities Committee** authorizing the City of Atlanta to waive the provisions contained in Chapter 138, Article II, Division 6, Section 138-60(a)(1) of the City of Atlanta Code of Ordinances, to allow the Commissioner of the Department of Public Works to issue permits for the placement of banners containing limited advertising in the public right-of-way; and for other purposes.

**(Councilmember Smith made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**E.     RESOLUTIONS**

08-R-2419 ( 1)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with, \_\_\_\_\_, for FC-4750 Automation of Hemphill Chattahoochee Water Treatment Plants on behalf the Department of Watershed Management, in an amount not to exceed \_\_\_\_\_ that all services for said contracted work shall be charged to and paid from \_\_\_\_\_ (to built by Finance Department); and for other purposes.

**(Councilmember Smith made a motion hold.)**

**HELD**

08-R-2422 ( 2)     A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 3 with ADS, LLC f/k/a ADS Corporation d/b/a ADS Environmental Services, LLC for FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers Project, on behalf of the Department of Watershed Management in an amount not to exceed \$1,125,000.00, all contracted work shall be charged to and paid from Fund Department Organization and Account Number: 5051 (Water & Wastewater Revenue) 170201 (DWM Wastewater Treatment) 5213001 (Consulting/Professional-Technical) 4310000 (Sanitary Administration); and for other purposes.

**(Councilmember Smith made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

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**F. ORDINANCE FOR FIRST READING**

- 08-O-2421 ( 1)     An Ordinance by City Utilities Committee authorizing the Mayor or her designee, to waive certain provisions under Sections 2-1541(d) and 2-1545(d) of the City of Atlanta Code of Ordinances authorizing the Mayor or her designee to enter into an agreement with the Georgia Department of Transportation to purchase permanent and/or temporary easements and the necessary rights-of-way to allow for the construction of the Harris Homes Pedestrian Improvement Project; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**G. PAPERS HELD IN COMMITTEE**

- 06-O-0937 ( 1)     An Ordinance by Councilmember Clair Muller as substituted by City Utilities Committee to amend Article VII of Chapter 74 entitled "*Riparian Buffer Requirements*"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Referred by back Council 10/20/08) (Held 10/28/08 at the request of the author)**
- 07-R-1214 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-1521 ( 3)     An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**
- 07-O-2505 ( 4)     An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. **as amended by City Utilities Committee** amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**
- 07-O-2604 ( 5)     An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**
- 07-O-2605 ( 6)     An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**
- 08-O-0481 ( 7)     An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1000 ( 8)     An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**
- 08-O-1213 ( 9)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1215 (10)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1217 (11)     An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-R-1445 (12)     A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08) (Dummy paper)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**
- 08-O-1922 (14) An Ordinance by City Utilities Committee authorizing the Mayor to enter into an Agreement to allow Vulcan Materials Company, LP to access the property known as the Bellwood Quarry to fulfill its reclamation obligations to the State of Georgia and the City of Atlanta; and for other purposes. **(Held 10/28/08 at the request of the department.)**
- 08-O-2139 (15) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes. **(Held 10/28/08 at the request of the author)**
- 08-R-2162 (16) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta, to enter into a Memorandum of Understanding, with the Georgia Department of Transportation, for Project Management, Preliminary Engineering Design Activities and Construction and the acquisition of rights-of-way of certain improvements, for Transportation Enhancement Project No. CSTEE-0009-00(023), East Atlanta Sidewalks, Fulton County; and for other purposes. **(Held 11/10/08 at the request of the Department of Public Works.)**
- 08-R-2163 (17) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into a Lease Agreement with LAZ Parking Limited, LLC, on behalf of the Department of Watershed Management; for the lease of real property at 135 Forsyth Street, SW; providing the terms of such agreements, directing the City Attorney to prepare and approve as to form all necessary documents; and for other purposes. **(Amended and held 11/10/08 at the request of the Department of Watershed Management.)**

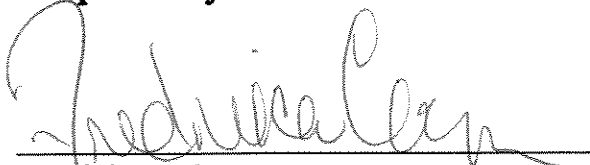
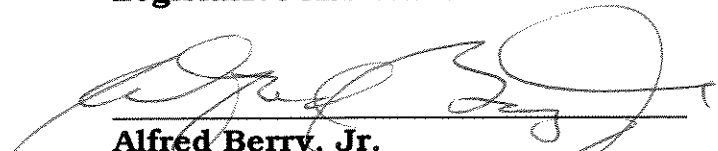

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**H. REQUESTED ITEM**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

**There being no further business to come before the Committee, the meeting was adjourned at 10:25 a.m.**

**Respectfully Submitted:**

  
**Fredriecca Cooper  
Legislative Assistant**  
**Alfred Berry, Jr.  
Research and Policy Analyst**  
**The Honorable Carla Smith, Chair  
City Utilities Committee**